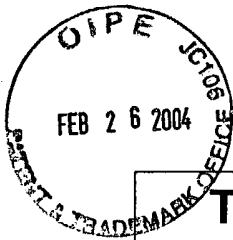


02-27-04

1636

Express Mail No. EV336654949US



TRANSMITTAL FORM

(To be used for all correspondence
after initial filing)

Application Number	10/090,458
Filing Date	March 1, 2002
First Named Inventor	Hongyun Chen
Art Unit	1636
Examiner Name	QIAN, Celine X.
Attorney Docket No.	100103.403

RECEIVED

MAR 03 2004

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Response to Restriction <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement; Form PTO-1449 <input type="checkbox"/> Cited References <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53 <input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Declaration <input type="checkbox"/> Statement under 37 CFR 3.73(b) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund	<input type="checkbox"/> CD(s), Number of CD(s) _____ <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Additional Enclosure(s) (please identify below): _____ _____ _____
--	---	---

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Individual Name	Mae Joanne Rosok	Customer Number 00500
Signature	<i>Mae Joanne Rosok</i>	
Date	<i>February 26, 2004</i>	

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name		
Signature		Date:



Express Mail No. EV336654949US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Hongyun Chen et al.
Application No. : 10/090,458
Filed : March 1, 2002
For : NOVEL ABCA5 TRANSPORTER AND USES THEREOF

RECEIVED

MAR 03 2004

Examiner : QIAN, Celine X.
Art Unit : 1636
Docket No. : 100103.403
Date : February 26, 2004

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents:

In response to the Restriction Requirement dated January 29, 2004, Applicants hereby elect, with partial traverse for reasons elaborated below, Group I, claims 1-11 and 26, directed to isolated nucleic acid molecules, vectors, and host cells comprising these nucleic acid molecules, for examination at this time. Further to the sequence election requirement, Applicants elect, with traverse, the nucleotide sequence set forth in SEQ ID NO: 4 for examination at this time. Applicants reserve the right to pursue, without prejudice, the subject matter of the non-elected groups in a subsequent divisional, continuation, or continuation-in-part application. Consideration of the Remarks submitted herewith and of the elected claims is now requested.

REMARKS

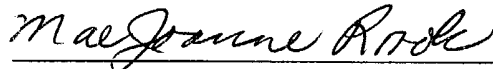
Applicants respectfully request that Group X, claim 27, be rejoined with elected Group I for examination at this time. Group I is directed to isolated nucleic acid molecules (*e.g.*, SEQ ID NOS:1, 3, and 4), vectors, and host cells comprising these nucleic acid molecules, and claim 27 is directed in pertinent part to a composition comprising an antisense oligonucleotide capable of hybridizing to SEQ ID NO:1, 3, or 4. Applicants respectfully submit that concurrent examination of the subject matter of claim 27 with that of claims 1-11 and 26 in the present application would not create a serious burden on the Examiner. Specifically, Applicants submit that no undue search burden would arise were claim 27 to be rejoined to Group I because a search for the claimed nucleic acid molecules encoding an ABCA5 polypeptide would be expected also to yield any references, should they exist, having relevance to complementary, antisense sequences.

Applicants also respectfully traverse the requirement to elect a single nucleic acid sequence. The nucleic acid molecules having the nucleotide sequences set forth in SEQ ID NOS: 1, 3, and 4 are related sequences. Specifically, the nucleic acid molecule comprising the nucleotide sequence set forth in SEQ ID NO:4 encodes an ABCA5 polypeptide comprising the sequence set forth in SEQ ID NO:5 (*see, e.g.*, specification, page 14, lines 14-22). The nucleotide sequence set forth in SEQ ID NO:3 represents the coding region, nucleotides 114-5030, of SEQ ID NO:1; therefore, both SEQ ID NO:1 and SEQ ID NO:3 encode the ABCA5 polypeptide having the sequence set forth in SEQ ID NO:2 (*see, e.g.*, specification, page 9, lines 17-21; page 14, lines 14-22; page 16, lines 10-19). Applicants therefore respectfully submit that the search burden is neither high nor undue for examining these related sequences because a search for the nucleotide sequence set forth in SEQ ID NO:4 would be expected also to yield any references, should they exist, having relevance to SEQ ID NO:1 or SEQ ID NO:3.

Application No. 10/090,458
Reply to Restriction Requirement dated January 29, 2004

Accordingly, Applicants elect SEQ ID NO:4 solely for purposes of responding to the Restriction Requirement, and respectfully request that this further requirement for election of a single sequence be reconsidered in the context of the teachings of the present application. Consideration of the present Remarks and the elected claims is now requested.

Respectfully submitted,
Seed Intellectual Property Law Group PLLC



Mae Joanne Rosok
Registration No. 48,903

701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092
Phone: (206) 622-4900
Fax: (206) 682-6031

MJR:imp 453618